

REMARKS

A. The Status of the Claims and the Amendments

By the present amendment, claims 9 and 11 were canceled, and were replaced by the new claims 30 and 31, respectively. Claim 30 represents claim 9 re-written in independent form, and includes all the limitations of claim 9 and of the base claim 23. Claim 31 represents claim 11 re-written in independent form, and includes all the limitations of claim 11 and of the base claim 25. The subject matter claimed in claims 37-44 is disclosed, for example, in paragraph [0051], pages 14-15 of the originally filed specification.

Accordingly, it is submitted that the amendment does not introduce any new matter. Entry of the amendment is respectfully requested. Upon entry of this amendment, claims 2-6 and 30-44 will remain under consideration.

B. Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 2, 4-6, and 23 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention (fifth paragraph, page 2 of the Office Action). This rejection is respectfully traversed.

The Examiner has stated that the substituents R_1 - R_3 are monovalent radicals that include sulfonyl, which is, according to Examiner, a divalent radical. The Applicants respectfully submit that the Examiner is correct with respect to the valency of the specific sulfonyl moiety, but is mistaken with respect to the general substituents R_1 - R_3 . There is nothing in the specification or any claim requiring that any of the substituents R_1 - R_3 be monovalent. Accordingly, the substituents R_1 - R_3 may be monovalent (e.g., hydrogen, alkyl) or polyvalent; there is no exclusion of any radical based on its valency.

In the context of the present application, the word "sulfonyl" conveys the meaning that the $-SO_2-$ moiety is present. Those skilled in the art would clearly understand that one

free bond of this moiety is connected to the main structure of compound (I) (e.g., the five member ring for R₁ and R₂), while the second bond can be substituted as is reasonable and chemically feasible. It is not the specific substitution that identifies the sulfonyl group but the -SO₂- moiety.

Accordingly, reconsideration and withdrawal of the rejection of claims 2, 4-6, and 23 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

C. Rejection Under 35 U.S.C. § 102 (a)

Claims 2-4, 6, and 23 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Fenical et al. (WO 02/47610) (second paragraph, page 3 of the Office Action). Claim 23 has been canceled. Claims 2-4 and 6, as amended, depend from claim 30, which the Examiner has acknowledged to recite allowable subject matter. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Rejection Under 35 U.S.C. § 103 (a)

Claims 8, 25, and 26 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Fenical et al. (WO 02/47610) (first paragraph, page 4 of the Office Action). In view of the fact that claims 8, 25, and 26 have been canceled, withdrawal of the rejection is respectfully requested.

E. Claims Objections

The Examiner objected to claims 9 and 11 as being dependent upon rejected base claims. Claims 9 and 11 have been canceled. New claim 30 replaces claim 9, is presented in independent form, and includes all the limitations of claim 9 and of the base claim 23. New claim 31 replaces claim 11, is presented in independent form, and includes all the limitations of claim 11 and of the base claim, claim 25.

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Accordingly, it is submitted that independent claims 30 and 31 are allowable.
Likewise, it is submitted that dependent claims 2-6 (which ultimately depend from claim 30),
and dependent claims 32-44 (which ultimately depend from claim 31) are also allowable.

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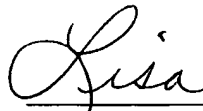
CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

A check No. 577927 in the amount \$225.00 to cover the fee for Two Months Extension of Time is attached herewith. No other fees are believed due in connection with this Response. In the event that an additional fee is due, the Commissioner is hereby authorized to charge any amounts required by this filing, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

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